

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

VICTOR ENCARNACION, KALEB HAGOS,
KENNETH CLAVASQUIN, and
THE BRONX DEFENDERS,

Plaintiffs,

– against –

THE CITY OF NEW YORK,

Defendant.

16-cv-156 (DLC)

STIPULATION TO EXTEND SETTLEMENT AND ORDER

WHEREAS, Plaintiffs Victor Encarnacion, Kaleb Hagos, Kenneth Clavasquin, and The Bronx Defenders; Defendant City of New York; and intervening party the Office of the Bronx District Attorney (“the Bronx DA”) entered into a Stipulation of Settlement on February 9, 2018 to resolve Plaintiffs’ lawsuit regarding the seizure, retention, and return of personal property seized in connection with an arrest;

WHEREAS, this Court so-ordered the Stipulation of Settlement on February 12, 2018 (the “So-Ordered Stipulation of Settlement”);

WHEREAS, the obligations of the parties under the So-Ordered Stipulation of Settlement expire by its terms on February 12, 2020;

WHEREAS, in accordance with paragraph 64 of the So-Ordered Stipulation of Settlement, Plaintiffs and Defendant City of New York now wish to modify the time frame for enforcement of the obligations of the parties provided for in the So-Ordered Stipulation of Settlement for a limited time period beyond the specified two years;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, attorneys of record for Plaintiffs, the City of New York, and the Bronx DA as follows:

1. The obligations of the parties under the So-Ordered Stipulation of Settlement are hereby extended, solely with respect to Defendant City of New York and Plaintiffs through June 30, 2020. The Court's jurisdiction over the Bronx DA will conclude on February 12, 2020 as provided for in the So-Ordered Stipulation of Settlement.

2. Plaintiffs and Defendant City of New York shall remain bound by the terms of the So-Ordered Stipulation of Settlement through June 30, 2020. The Bronx DA shall have no further obligations under the So-Ordered Stipulation of Settlement after February 12, 2020.

3. Counsel for Plaintiffs and the City shall convene a meeting of the Working Group on a mutually agreeable date prior to May 1, 2020.

4. Prior to May 1, 2020, Plaintiffs shall not make any application to the Court seeking relief or recourse under the So-Ordered Stipulation of Settlement. Notwithstanding this provision, and solely with respect to the Bronx DA, nothing in this stipulation shall alter the terms of the So-Ordered Stipulation of Settlement that provide for relief or recourse in the event of an alleged systematic pattern of non-compliance with the terms of the So-Ordered Stipulation of Settlement by the Bronx DA prior to February 12, 2020.

5. Paragraph 54 of the So-Ordered Stipulation of Settlement regarding Notices is hereby amended so that all notices to Plaintiffs shall be sent to Niji Jain, The Bronx Defenders, 360 East 161st Street, Bronx NY 10451, nijij@bronxdefenders.org.

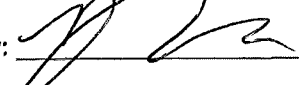
6. Paragraph 54 of the So-Ordered Stipulation of Settlement regarding Notices is further amended so that all notices to Defendant City of New York shall additionally be sent to

Samantha Schonfeld, Assistant Corporation Counsel, New York City Law Department,
Administrative Law Division, 100 Church Street, New York, NY 10007, sschonfe@law.nyc.gov.

Dated: February 6, 2020

THE BRONX DEFENDERS

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By: 

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By: 

Attorneys for Defendant City of New York

SO ORDERED:

United States District Judge
Dated: